

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of) Examiner: Not yet assigned
Burbank et al.)) Group Art Unit: Not yet assigned
For: **TISSUE SITE MARKERS FOR**)
IN VIVO IMAGING)
Serial No.: Not Yet Assigned)
Filed: Concurrently)
Docket No.: R0367.01601)

REQUEST FOR FILING A
CONTINUATION APPLICATION
UNDER 37 C.F.R. § 1.53(b)

22154 U.S. PTO
10/658911
09/10/03


Express Mail Label No.: EL 203892996 US
Mailed in San Francisco, CA on: 9/10/03

Mail Stop PATENT APPLICATION
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The PTO did not receive the following
listed item(s) PAGE 7 OF
DRAWINGS

Dear Sir:

This is a request for filing a continuation application under 37 C.F.R. § 1.53(b), of copending application Serial No. 09/717,909, of Fred H. Burbank et al., for **TISSUE SITE MARKERS FOR IN VIVO IMAGING**, filed on November 20, 2000, which is a continuation-in-part of then copending applications Serial No. 09/241,936, filed on February 2, 1999, now U.S. Patent No. 6,161,034, and Serial No. 09/343,975, filed on June 30, 1999, now U.S. Patent No. 6,347,241.

1. Enclosed is a true copy of the prior complete application including: the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed; as filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior U.S. patent application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

the same as those named in the prior application.

less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. The filing fees are to be calculated on the claims as filed in the prior application and the claims remaining as a result of the:

amendment below;

attached Preliminary Amendment.

| Description | Claims | Extra | Rate | Fee Code | Fee |
|--------------------|--------|-------|------|----------|--------|
| Basic Filing Fee | | | | 2001 | \$375. |
| Independent Claims | 2-3 | 0 | \$42 | 2201 | \$0- |
| Total Claims | 3-20 | 0 | \$9 | 2202 | \$0- |

Total Filing Fee \$375.

4. Please cancel in this application claims 2-41 as originally filed in the parent application.

5. Payment of Filing Fees:

The filing fee is not enclosed herewith.

The Commissioner is authorized to charge any fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 04-1679, referencing Atty. Docket No. R0367.01601. A duplicate copy of this sheet is attached.

6. The prior application is assigned of record to: **SenoRx, Inc.**

7. The power of attorney in the prior application is to: **Edward J. Lynch**.

The power appears in the original papers in the prior application.

A Power of Attorney and Revocation of Prior Powers is enclosed.

8. Please address all future correspondence to:

Edward J. Lynch
DUANE MORRIS LLP
One Market
Spear Tower, Suite 2000
San Francisco, CA 94105

9. Documents enclosed:

Copy of prior complete application as filed including the specification (30 pages including the cover sheet), claims (8 pages), and abstract (1 page); Formal Drawings (8 sheets); signed Declaration and Power of Attorney (4 pages total).

Copy of signed Assignment (3 pages total) and PTO Form-1595 (1 page) as filed in the prior application.

Preliminary Amendment and Information Disclosure Statement and form PTO-1449.

Associate Power of Attorney and Change of Correspondence Address.

Return receipt postcard.

Respectfully submitted,

By: 
Edward J. Lynch
Attorney for Applicants
Registration No. 24,422

DUANE MORRIS LLP
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**CHANGE OF
CORRESPONDENCE ADDRESS**

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Dear Sir:

Please address future correspondence for this application as follow:

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Respectfully submitted,

By: Edward J. Lynch
Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

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